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OFFICE OF PETITIONS

In re Application of :
Nguyen et al. :
Application No.10/003,554 :
Filed: November 2, 2001 :
Title of Invention: System and Method for :
Caller Controlled Time Demarcation :
:

ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), filed June 22, 2006.

This above-identified application became abandoned for failure to file a proper reply to the final Office Action of September 22, 2005. The final Office Action set a three (3) month shortened statutory period for reply. An amendment after final Office Action and two month extension of time were filed on January 31, 2006. An Advisory Action stating that the amendment did not place the application in condition for allowance was mailed on April 6, 2006. An untimely Notice of Appeal and Request for Pre Appeal Brief Conference were filed on April 24, 2006. Accordingly, this application became abandoned on February 23, 2006. A Notice of Abandonment was mailed on May 5, 2006. A Notice of Panel Decision from Pre-Appeal Brief Review mailed on May 15, 2006 stated that the request was improper because the application was abandoned prior to filing the request.

The requirements for a grantable petition under 37 CFR §1.137(b) have been met. This petition is hereby Granted.

The two-month period for filing an appeal brief (accompanied by the fee required by 37 CFR 41.20(b)(2)), will be the later of the two-month period set in 37 CFR 41.37(a) or one month from the mail date of the decision on the request for Pre-Appeal Brief Review.

Pursuant to petitioner's request, deposit account 06-1130 will be refunded the \$500.00 Notice of Appeal fee which was untimely.

The application will be forwarded to Technology Center 2600 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.



Charlema R. Grant
Petitions Attorney
Office of Petitions